

## Law Offices of Chejin Park PC

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Admitted in NY & NJ

January 15, 2016

The Honorable Magistrate Judge Locke  
United States District Court  
Long Island Courthouse  
100 Federal Plaza  
Central Islip, NY 11722

Re: Malibu Media, LLC v. John Doe (15-CV-3504)

Dear Honorable Magistrate Judge Locke:

The Law Offices of Chejin Park, PC represents John Doe Defendant in the copyright infringement case referred above.

As ordered by the order dated December 15, 2015 (Doc. #19), Defendant's counsel has or is in the process of serving the Order on Michael Piatek, Tadayoshi Kohno, and Arvind Krishnamurthy.

Mr. Michael Piatek was served by email on December 16, 2015 and his employer's attorney (Mr. Brian Willen, Esq. representing Google Inc) has confirmed receipt of the order on January 13, 2016. See the email sent to the three authors dated December 16, 2015. Mr. Willen expressed that Mr. Paitek is inclined to not appearing at the hearing.

Prof. Tadayoshi Kohno was served in person on January 6, 2016 and notified this office his unavailability for the hearing on January 7, 2016. Please see the affidavit of service.

For Prof. Arvind Krishnamurthy, this office tried many different methods to serve the order: emails to two different accounts, express mail, certified mail return receipt requested, and two personal process servers. However, process servers could not locate him and no return receipt was returned. What this office found from a staff member of his department is that he is not teaching this quarter but he is still around the university. Please see the delivery confirmation of an express mail and an USPS receipt.

Two authors refused to appear at the court and the other author is either out of reach or not interested in this case. **Currently, it seems there will be no authors available at the evidentiary hearing to be scheduled on January 26, 2016.**

The testimony of Plaintiff's expert at the hearing will be highly technical and one-sided. With limited resources and funds, Defendant cannot afford any other experts who may testify at the hearing. **Therefore, Defendant respectfully requests that the Court appoint an independent expert who may testify at the hearing or, alternatively, who may confer in private with the judge to evaluate the arguments of the parties as provided by Rule 706 of the Federal Rules of Evidence and that the compensation for the court-appointed expert be assumed by the court.**

Should you have any questions or concerns regarding this letter, please feel free to contact the undersigned.

Respectfully Submitted,

By: /s/ Chejin Park, Esq.  
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